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ATTORNEY FOR PLAINTIFF  
ROBERT CLOUTHIER

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ROBERT CLOUTHIER, an individual,

Plaintiff,

v.

CITY OF BRENTWOOD and DOES ONE through FIFTY, being Officers, Supervisors, and Employees of the Brentwood Police Department whose identities are not presently known to Plaintiff,

Respondents.

CASE NO.:C05-00394 JSW

REQUEST FOR EXTENSION OF TIME TO COMPLETE EARLY NEUTRAL EVALUATION

DECLARATION OF SAM WALKER

[PROPOSED] ORDER

For the reasons stated in the accompanying Declaration of Sam Walker, plaintiff Robert Clouthier, joined by defendant City of Brentwood, respectfully requests that the time for completing Early Neutral Evaluation be extended to October 14, 2005.

Respectfully submitted,

SAM WALKER

Date: August 1, 2005

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Attorney for Plaintiff

**DECLARATION OF SAM WALKER**

I, Sam Walker, declare:

1. I am an attorney licensed to practice before the state and federal courts of California and am counsel for plaintiff Robert Clouthier. I state the following of my own personal knowledge and can, if called, testify competently thereto.
2. This matter was directed into the Early Neutral Evaluation program on stipulation of the parties and order of Judge White at the April 29, 2005 case management conference. On May 6, 2005 Edwin J. Wilson, Jr. was appointed as the evaluator. On July 1, 2005, Mr. Wilson having recused himself from the assignment, the clerk notified the parties that he had been removed as the evaluator.
3. On July 13, 2005 the Court appointed Thomas F. Bertrand as the new evaluator. On July 26, 2005 I participated in a telephone conference with Mr. Bertrand and Peter Edrington, counsel for defendants. Mr. Bertrand told us that he would be out of the country the entire month of August. Mr. Edrington said that he would be out of the country most of the month of September.
4. Because of the delay caused by changing evaluators and the unavailability of the evaluator and defense counsel, the parties cannot complete the ENE before the deadline imposed by the local rules. Counsel and Mr. Bertrand, however, have agreed to schedule the ENE on October 7, 2005 if the Court will grant this extension request. Counsel for defendants joins in this request.

I declare under penalty of perjury under the laws of California and the United States that the foregoing is true and correct. Executed this 1st day of August, 2005, at Concord, California.

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Sam Walker

**PROPOSED ORDER**

The request by plaintiff for an extension of the time within which to complete the Early Neutral Evaluation, which request was joined by defendants, was presented to the Court along with an explanation of the reasons for the request. The parties having scheduled the Early Neutral Evaluation for October 7, 2005, and the Court having found good cause for the requested extension,

IT IS HEREBY ORDERED that the time within which the Early Neutral Evaluation shall be completed is extended to October 14, 2005.

IT IS SO ORDERED.

Dated: August 3, 2005

  
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JUDGE OF THE US DISTRICT COURT